



CASE 4-31673A

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

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January 17, 2006

Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1654

JOSEPH M. AULT

Examiner: Meller, Michael V.

APPLICATION NO: 10/006,311

FILED: DECEMBER 4, 2001

FOR: PHARMACEUTICAL COMPOSITIONS FOR THE ORAL DELIVERY  
OF PHARMACOLOGICALLY ACTIVE AGENTS

**MS: Amendment**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

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COMMUNICATION

Sir:

In accordance with the Notice of Allowability, mailed October 14, 2005, wherein a substitute oath or declaration was required to be filed within the statutory period set forth in the Notice of Allowability.

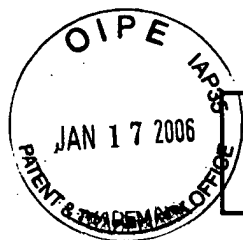
The undersigned submitted the executed Declaration to the USPTO on February 28, 2002 in Response to Notice to File Missing Parts. Enclosed please find a copy this Response, a copy of the executed Declarations, and a copy of the date stamped postcard from the USPTO acknowledging receipt on February 28, 2002.

Respectfully submitted,

Peter J. Waibel  
Attorney for Applicant  
Reg. No. 43,228

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(862) 778-7951

Date: 1/17/06



CASE 4-31673A

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EL 820011018 US  
Express Mail Label Number

2/28/02  
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

AULT ET AL.

APPLICATION NO: 10/006,311

FILED: DECEMBER 4, 2001

FOR: PHARMACEUTICAL COMPOSITIONS FOR THE ORAL DELIVERY  
OF PHARMACOLOGICALLY ACTIVE AGENTS

**Attention: Box Missing Parts**  
Assistant Commissioner for Patents  
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

The Notice to File Missing Parts of Application - Filing Date Granted dated January 8, 2002 (a copy of which is enclosed) has a shortened statutory time set to expire on March 8, 2002.

In response, applicants now submit an original or copy of a fully executed Declaration and Power of Attorney. Please charge the \$130 surcharge fee under 37 CFR §1.16(e) to Deposit Account No. 19-0134 in the name of Novartis Corporation.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-0134 in the name of Novartis Corporation.

A duplicate copy of this letter is provided for charging purposes.

Novartis Corporation  
Patent and Trademark Dept.  
564 Morris Avenue  
Summit, NJ 07901-1027  
(908) 522-6932  
Date: Feb. 28, 2002

Respectfully submitted,

Carol A. Loeschorn  
Attorney for Applicants  
Reg. No. 35,590



DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATIONS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,  
and

I believe I am an original, first and joint inventor of the subject matter which is claimed  
and for which a patent is sought on the invention entitled

**PHARMACEUTICAL COMPOSITIONS FOR THE ORAL  
DELIVERY OF PHARMACOLOGICALLY ACTIVE AGENTS**

the specification of which was filed on December 4, 2001 as U.S. Application No. **10/006,311**.

I hereby state that I have reviewed and understand the contents of the above identified  
specification, including the claims.

I acknowledge my duty to disclose all information which is known by me to be material to  
the patentability of this application as defined in 37 C.F.R. §1.56.

I hereby claim the benefit under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign  
application(s) for patent or inventor's certificate listed below and under 35 U.S.C. §365(a) of any  
PCT international application(s) designating at least one country other than the United States  
listed below and have also listed below any foreign application(s) for patent or inventor's  
certificate or any PCT international application(s) designating at least one country other than the  
United States for the same subject matter and having a filing date before that of the application  
the priority of which is claimed for that subject matter:

None

I hereby claim the benefit under 35 USC §119(e) of any United States provisional  
application(s) listed below:

Application No.

Filing Date

60/251,729

December 6, 2000

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and under 35 U.S.C. §365(c) of any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose all information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

None

I hereby appoint the attorneys and agents associated with Customer No. 001095, respectively and individually, as my attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all communications to the address associated with Customer No. 001095, which is currently Thomas Hoxie, Novartis Corporation, Patent and Trademark Dept., 564 Morris Avenue, Summit, NJ 07901-1027.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FIRST JOINT INVENTOR:

Full name : **Joseph M. Ault**

Signature : \_\_\_\_\_

Date : \_\_\_\_\_  
(MM/DD/YY)

Citizenship : United States of America

Residence : Blairstown, New Jersey

P.O. Address : 4 Wards Road  
Blairstown, New Jersey 07825

SECOND JOINT INVENTOR:

Full name : **Moise Azria**

Signature : Moise Azria

Date : 02/01/02  
(MM/DD/YY)

Citizenship : Switzerland

Residence : Basel, Switzerland

P.O. Address : Bundesplatz 6  
Basel 4001  
Switzerland

THIRD JOINT INVENTOR:

Full name : **Simon David Bateman**

Signature : \_\_\_\_\_

Date : \_\_\_\_\_  
(MM/DD/YY)

Citizenship : United Kingdom

Residence : Randolph, New Jersey

P.O. Address : 4 Farrington Lane  
Randolph, New Jersey 07869

**FOURTH JOINT INVENTOR:**

Full name : **Joseph Sikora**

Signature : \_\_\_\_\_

Date : \_\_\_\_\_

(MM/DD/YY)

Citizenship : United States of America

Residence : Succasunna, New Jersey

P.O. Address : 16 Toby Drive  
Succasunna, New Jersey 07876

**FIFTH JOINT INVENTOR:**

Full name : **Gregory Sparta**

Signature : \_\_\_\_\_

Date : \_\_\_\_\_

(MM/DD/YY)

Citizenship : United States of America

Residence : Bridgewater, New Jersey

P.O. Address : 66 Claire Drive  
Bridgewater, New Jersey 08807

**SIXTH JOINT INVENTOR:**

Full name : **Rebecca Fai-ying Yang**

Signature : \_\_\_\_\_

Date : \_\_\_\_\_

(MM/DD/YY)

Citizenship : United States of America

Residence : Randolph, New Jersey

P.O. Address : 7 Hawser Way  
Randolph, New Jersey 07869

**SEVENTH JOINT INVENTOR:**

Full name : **Jie Xiao**

Signature : \_\_\_\_\_

Date : \_\_\_\_\_  
(MM/DD/YY)

Citizenship : Chinese Peoples Republic

Residence : Randolph, New Jersey

P.O. Address : 18 Parkview Rd.  
Randolph, New Jersey 07869

**IMPORTANT:** Before this declaration is signed, the patent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.



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None

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Full name : **Moise Azria**

Signature : \_\_\_\_\_

Date : \_\_\_\_\_  
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Residence : Basel, Switzerland

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Signature : \_\_\_\_\_

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Signature : Gregory Sparta

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Residence : Bridgewater, New Jersey

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**SIXTH JOINT INVENTOR:**

Full name : **Rebecca Fai-ying Yang**

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Citizenship : United States of America

Residence : Randolph, New Jersey

P.O. Address : 7 Hawser Way  
Randolph, New Jersey 07869

**SEVENTH JOINT INVENTOR:**

**Full name** : **Jie Xiao**

**Signature** : \_\_\_\_\_

**Date** : \_\_\_\_\_  
(MM/DD/YY)

**Citizenship** : **Chinese Peoples Republic**

**Residence** : **Randolph, New Jersey**

**P.O. Address** : **18 Parkview Rd.**  
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Date : \_\_\_\_\_

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Residence : **Basel, Switzerland**

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Switzerland**

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Signature : \_\_\_\_\_

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Residence : **Randolph, New Jersey**

P.O. Address : **4 Farrington Lane  
Randolph, New Jersey 07869**

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**FOURTH JOINT INVENTOR:**

Full name : **Joseph Sikora**

Signature : Joseph Sikora

Date : JS 1/25/02 03/07 01/25/02  
(MM/DD/YY)

Citizenship : United States of America

Residence : Succasunna, New Jersey

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Full name : **Rebecca Fai-ying Yang**

Signature : Rebecca F. Yang

Date : 1/29/02  
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Citizenship : United States of America

Residence : Randolph, New Jersey

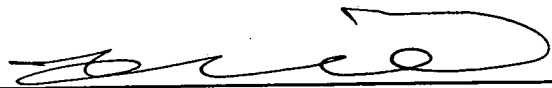
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SEVENTH JOINT INVENTOR:

Full name : Jie Xiao

Signature :



Date :

1/28/02  
(MM/DD/YY)

Citizenship : Chinese Peoples Republic

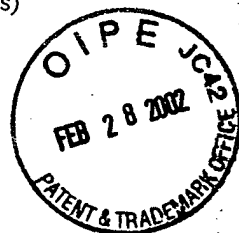
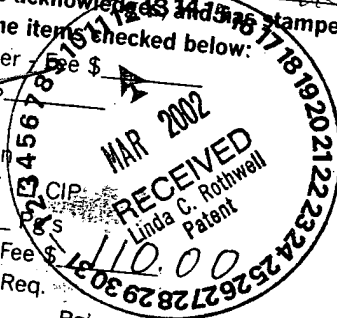
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Case No. 4-31673 A / USN  
 Application No. 10/006,311  
 Mailing Date: 2/28/02  
 Due Date: 3/8/02  
 Express Mail No.: EE 820011018 US  
 The Patent & Trademark Office acknowledges and is stamped  
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☐ PCT National Stage  
☐ Provisional Application  
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